

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

H.C., et al.,

Plaintiffs,

v.

COUNTY OF KERN, et al.,

Defendants.

Case No. 1:21-cv-00142-JLT-BAK

ORDER REQUIRING PLAINTIFFS TO
PERSONALLY APPEAR FOR OCTOBER
19, 2022 ORDER TO SHOW CAUSE
HEARING

ORDER REQUIRING PLAINTIFFS TO
SHOW CAUSE IN WRITING BY
OCTOBER 12, 2022, AS TO WHY
SANCTIONS SHOULD NOT BE IMPOSED
FOR THE FAILURE TO APPEAR AT
STATUS CONFERENCE

(ECF Nos. 27, 28)

Plaintiffs H.C. and A.C., as successors in interest to Graciano Ceballos, by and through their guardian ad litem Dolores Hernandez; and adult Plaintiffs Ashley Ceballos, Emma Ceballos, and Edward Ceballos, proceed in this action alleging excessive deadly force by sheriff deputies against Graciano Ceballos, and violations of various federal civil rights and state laws. (ECF No. 2-1 at 2-34.)

On August 8, 2022, the Court granted a motion for withdrawal of counsel, and Plaintiffs' former counsel were terminated from this action. (ECF No. 25.) Plaintiffs are now proceeding *pro se*, meaning without representation by attorneys. On September 16, 2022, the Court set a status conference to be held on September 28, 2022. (ECF No. 27.) The order contained

1 information on multiple methods of attending the status conference, however, Plaintiffs did not
2 appear via videoconference, nor in person at the courthouse, nor did they attempt to contact the
3 Court. (ECF Nos. 27, 28.)

4 Local Rule 110 provides that “[f]ailure of counsel or of a party to comply with these
5 Rules or with any order of the Court may be grounds for imposition by the Court of any and all
6 sanctions . . . within the inherent power of the Court.” The Court has the inherent power to
7 control its docket and may, in the exercise of that power, impose sanctions where appropriate,
8 including dismissal of the action. See, e.g., Bautista v. Los Angeles County, 216 F.3d 837, 841
9 (9th Cir. 2000); Ghazali v. Moran, 46 F.3d 52, 53-54 (9th Cir. 1995).

10 Given Plaintiffs nonappearance at the September 28, 2022 status conference, despite
11 being provided clear information on how to appear or contact the Courtroom Deputy Clerk for
12 assistance, the Court shall order both a written response by October 12, 2022,¹ and require the
13 Plaintiffs’ **personal appearance in court on October 19, 2022**, to show cause to the Court as to
14 why sanctions should not be imposed for the failure to appear at the September 28, 2022 status
15 conference, and for the failure to prosecute this action.

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27 ¹ The Court *may* vacate the October 19, 2022 hearing if the Court receives a sufficient written response, however,
28 the Plaintiffs will not be relieved of their obligation to personally appear on October 19, 2022, until further order
from the Court.

Accordingly, IT IS HEREBY ORDERED that:

1. An order to show cause hearing is set before United States Magistrate Judge Stanley A. Boone on **October 19, 2022, at 10:00 a.m.** in Courtroom 9;
2. Plaintiffs H.C.'s and A.C.'s guardian ad litem Dolores Hernandez, and Plaintiffs Ashley Ceballos, Emma Ceballos, and Edward Ceballos, **SHALL PERSONALLY APPEAR** on October 19, 2022, at 10:00 a.m., in Courtroom 9 (sixth floor), of the Robert E. Coyle United States Courthouse, 2500 Tulare Street, Fresno, CA, 93721;
3. **On or before October 12, 2022**, Plaintiffs shall file a written response to this order explaining why sanctions should not be imposed for the failure to appear at the September 28, 2022 status conference, and failure to prosecute this action; and
4. The failure to comply with this order will result in the imposition of monetary sanctions, or other possible sanctions including dismissal of this action.²

IT IS SO ORDERED.

Dated: **September 28, 2022**


UNITED STATES MAGISTRATE JUDGE

² The parties may contact the Courtroom Deputy Clerk Victoria Gonzales at vgonzales@caed.uscourts.gov or (559) 499-5672, with any questions or to obtain assistance in complying with this order.